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12 Attorneys for Plaintiffs
TPG Communications, LLC and Jordan Conradson

13 *pro hac vice forthcoming

14
15 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
16
17 **IN AND FOR THE COUNTY OF MARICOPA**

18 TGP Communications, LLC, d/b/a The
19 Gateway Pundit, a Missouri limited liability
20 company; and Jordan Conradson, an
21 individual,

22 Plaintiffs,

23 v.

24 Jack Sellers, Thomas Galvin, Bill Gates,
25 Clint Hickman, and Steve Gallardo, in their
respective official capacities as members of
the Maricopa County Board of Supervisors;
Stephen Richer, in his official capacity as
the Maricopa County Recorder; Rey
Valenzuela and Scott Jarrett, in their official

Case No. _____

19 **DECLARATION OF JAMES HOFT**

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1 capacities as Maricopa County Election
2 Directors; and Megan Gilbertson and
3 Marcus Milam, in their official capacities as
4 Maricopa County Communications
Officers,

5 Defendants.

DECLARATION OF JAMES HOFT

6 I, James Hoft, declare the following:

7 1. I am the Editor and Publisher of Plaintiff TGP Communications, LLC d/b/a
8 The Gateway Pundit. The Gateway Pundit is a news and opinion publication of national
9 renown. I started The Gateway Pundit in my basement in 2004. Since then, The Gateway
10 Pundit has grown into one of the largest and most highly read political blogs in the nation.
11 The Gateway Pundit is ranked as one of the top 150 websites in the US, with an average of
12 2.5 million daily readers.

13 2. I have reviewed the facts and allegations in Plaintiffs' Complaint and *Ex*
14 *Parte* Motion for a Temporary Restraining Order and I have personal knowledge of them.
15 The facts and allegations in these documents are true and correct.

16 3. On or about September 27, 2022, The Gateway Pundit applied for press
17 credentials to view the vote tabulation process in Maricopa County, Arizona and to
18 participate in press conferences given by its officials.

19 4. On or about September 30, 2022, The Gateway Pundit received a notice from
20 the Maricopa County Elections Department denying my request for press credentials. The
21 denial email specifically stated:

22 Thank you for applying for a Maricopa County Press Pass. This email is to
23 notify you that you have been denied a press credential based on the
24 following criteria which is listed on Maricopa.gov:

25

- #4[sic]: You (a) do not avoid real or perceived conflicts of interest and
(b) are not free of associations that would compromise journalistic

integrity or damage credibility. Therefore, you are not a bona fide correspondent of repute in your profession.

5. After receiving this notice, The Gateway Pundit continued to report on matters of public concern in Maricopa County. However, on November 10, 2022, Maricopa County went even further and did not allow The Gateway Pundit or any of its reporters to remain on the curtilage of the Maricopa County Elections Office and ejected The Gateway Pundit and its reporters completely from the property, not even allowing them to be outside the gate to cover the events inside in any manner at all. Upon being ejected, the government used a drone to follow The Gateway Pundit and its reporters to further intimidate them from continuing to make any meaningful effort at newsgathering.

6. National elections are some of the most important events any press outlet can cover and report on. They are the greatest test of a functioning democracy, and since 2020 there have been serious questions raised regarding the integrity of these elections, including in Maricopa County.

7. Responsible reporting on this issue of paramount concern requires access to primary sources of information, which requires access to the premises of relevant elections offices.

8. Maricopa County's illegal and unconstitutional actions have harmed The Gateway Pundit's ability to exercise its First Amendment rights, particularly as a member of the press with millions of readers.¹ The Gateway Pundit is a political blog that reports

¹ Whether the Court orders Maricopa County to grant press credentials or simply orders it to permit Plaintiffs access is of little Constitutional difference. However, The Gateway Pundit would prefer to be granted the rights sought by such credentials without actually having the credentials, should this Court be so inclined. The reason for this is that if the government grants such credentials to press outlets that it regards as no threat to it, then the credentials are a badge of shame. Any press outlet that carries one today should be ashamed of itself that it was seen as so impotent and so unlikely to challenge the government that it was deemed “safe.” Nevertheless, should Plaintiffs be required to sport

1 a perspective that is usually ignored by the corporate-owned press. Its readers expect it to
2 probe and challenge public entities and public officials to ensure that each are properly
3 fulfilling their obligations to the citizens of these United States.

4 9. Being arbitrarily blocked from engaging public officials in their press
5 conferences prevents The Gateway Pundit from doing its job as a journalistic enterprise.
6 The Gateway Pundit cannot gain any first-hand information. It cannot report any
7 information. Even if it is capable of obtaining some information that is newsworthy on this
8 subject, Defendants' actions have made it essentially impossible to verify such information
9 so that The Gateway Pundit can responsibly and ethically discharge its duties as a
10 journalistic outlet. Without access, all of these common and necessary components of
11 journalism are made significantly more difficult.

12 10. Aside from hampering The Gateway Pundit's ability to report the news,
13 Defendants blocking its access to government officials has also placed it at a distinct
14 disadvantage compared to other journalists and journalistic outlets who have not been
15 barred access.

16 11. The Gateway Pundit is well aware of the "actual malice" standard set out in
17 *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). This standard establishes that a
18 public figure plaintiff may sue a journalist for defamation if the journalist published with
19 actual malice. One of the surest ways to avoid a finding or allegation of actual malice when
20 reporting on public officials is to actually confront these officials and ask them for
21 comment.

22 12. By barring The Gateway Pundit from access to such officials, Defendants
23 have also made it significantly more dangerous to report on issues related to the 2022

24 such a badge, Plaintiffs will do so, but wish for the world to be reminded that they sport
25 the badge under protest, as no such credential should be required of a free press.

1 election. The Gateway Pundit does not have the ability to properly verify news stories it
2 wishes to publish about the election, which means it is much more likely to be sued for any
3 pieces it publishes. This has made The Gateway Pundit much more wary about publishing
4 anything on this subject.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Dated: 11 / 12 / 2022.



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8 James Hoft
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